

**REMARKS**

Claims 8-10, 12-15, 40-44 and 52-79 are pending in this application. By this Amendment, claims 8, 10, 53, 60, 63, 65, 66, 68 and 71 are amended. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks are respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); and/or (3) place the application in better form for appeal (if necessary). The changes to claims 8, 10, 53, 60, 63, 65, 66, 68 and 71 do not add any new features to the claims. Instead, claims 10 and 60 are amended for form, and claims 8, 53, 63, 65, 66, 68 and 71 are amended to positively recite those features that were already inferentially claimed. For this reason, the claim amendments do not raise any new issues requiring further consideration and/or search. Entry is thus requested.

The Applicant thanks Examiners Thompson, Casler and Hayes for the courtesies extended to the Applicant's representative during the January 8, 2002, personal interview. During the personal interview, various features of the invention which distinguish the invention over the applied references were discussed. Applicant's separate summary of the substance of the personal interview is incorporated into the following remarks.

**I. Claim Rejection- 35 U.S.C. § 102(b)**

The Office Action rejects claims 53, 71 and 73 under 35 U.S.C. § 102(b) over U.S. Patent No. 3,941,119 to Corrales (hereinafter “Corrales”). This rejection is respectfully traversed.

As agreed in the personal interview, Corrales fails to disclose or suggest a plurality of microinfusion catheters disposed non-coaxially side-by-side with respect to one another, as set forth in independent claim 53. As also agreed in the personal interview, Corrales fails to disclose or suggest a plurality of microinfusion catheters protrusibly disposed non-coaxially side-by-side within a macrocatheter, as set forth in independent claim 71.

Thus, independent claims 53 and 71 distinguish over Corrales. Claim 73 is allowable at least for the reasons discussed above with respect to independent claim 71, from which it depends, as well as for its added features. Accordingly, Applicant respectfully requests that the rejection of claims 53, 71 and 73 be withdrawn.

**II. Claim Rejection- 35 U.S.C. § 103(a)**

**A. Laske et al and Corrales**

The Office Action rejects claims 8, 40, 52-56, 58, 71 and 77-79 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,720,720 to Laske et al (hereinafter “Laske”) in view of Corrales. This rejection is respectfully traversed.

As agreed in the personal interview, Laske and Corrales fail to disclose or suggest, either individually or in combination, a plurality of microinfusion catheters disposed non-coaxially side-

by-side with respect to one another, as set forth in independent claims 8 and 53. As also agreed in the personal interview, Laske and Corrales fail to disclose or suggest, either individually or in combination, a plurality of microinfusion catheters protrusibly disposed non-coaxially side-by-side within a macrocatheter, as set forth in independent claim 71.

Thus, independent claims 8, 53 and 71 distinguish over Laske and Corrales. Claims 40 and 52, and 54-56 and 58, and 77-79, are allowable at least for the reasons discussed above with respect to independent claims 8, 53 and 71, from which they respectively depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection of claims 8, 40, 52-56, 58, 71 and 77-79 be withdrawn.

#### **B. Laske, Corrales and Tillander**

The Office Action rejects claims 9, 10, 59, 74 and 76 under 35 U.S.C. § 103(a) over Laske in view of Corrales further in view of U.S. Patent No. 3,674,014 to Tillander (hereinafter "Tillander"). This rejection is respectfully traversed.

As agreed in the personal interview, Tillander fails to cure the deficiencies of Laske and Corrales discussed above with respect to independent claims 8, 53 and 71. Thus, independent claims 8, 53 and 71 distinguish over Laske, Corrales and Tillander, either individually or in combination. Claims 9 and 10, and 59, and 74 and 76 are allowable at least for the reasons discussed above with respect to independent claims 8, 53 and 71, from which they respectively

depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection of claims 9, 10, 59, 74 and 76 be withdrawn.

**C. Laske, Corrales and Heil**

The Office Action rejects claims 12, 42-44, 57, 60, 61, 63-66, 68-70 and 72 under 35 U.S.C. § 103(a) over Laske in view of Corrales further in view of U.S. Patent No. 5,041,107 to Heil, Jr. (hereinafter "Heil"). This rejection is respectfully traversed.

As agreed in the personal interview, Heil fails to cure the deficiencies of Corrales and Laske discussed above with respect to independent claims 8, 53, and 71. As also agreed in the personal interview, Laske, Corrales and Heil fail to disclose or suggest, either individually or in combination, a plurality of microinfusion catheters disposed non-coaxially side-by-side with respect to one another, as set forth in independent claim 63.

Applicant notes that an example of an embodiment of the internal structure of the plurality of individually controllable drug delivery ports set forth in claim 63 is shown in Figure 25. Figure 25 shows a dual purpose neuron-monitoring/drug delivery electrode support shaft 137 having drug delivery ports 141 disposed along a length of the shaft configured for delivering a therapeutic drug to a specific site within a patient's brain. Each drug delivery port is connected to its own drug delivery supply line 145. Thus, each drug delivery port is individually controllable because "each drug delivery port 141 is connected via a drug delivery supply line 145 to a reservoir/pump unit 147 for storing and dispensing a drug." P. 89, lns 6-7.

Figure 30 shows a drug infusion assembly 1001 having multiple microinfusion catheters 1005 where each microinfusion catheter 1005 has multiple drug delivery ports 1007. Applicant notes that “[e]ach of the plurality of drug delivery ports 1007 is independently controllable and capable of independently outputting a drug; and each of the plurality of drug delivery ports 1007 is therefore capable of independently delivering a drug to a separate site within the hypothalamus of a patient.” P. 98, lns 18-20 thru p. 99, ln 1. Thus, Figure 30 shows an embodiment of the invention with individually controllable drug ports, and the structure of such individually controllable drug ports is discussed in detail when first introduced in the specification in the embodiment of the dual purpose neuron-monitoring/drug delivery electrode support shaft.

For the reasons discussed above, independent claims 8, 53, 63 and 71 distinguish over Laske, Corrales and Heil, either individually or in combination. Claims 12 and 42-44, and 57 and 60-61, and 64-66 and 68-70, and 72 are allowable at least for the reasons discussed above with respect to independent claims 8, 53, 63 and 71, from which they respectively depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

#### **D. Laske, Corrales and Feingold**

The Office Action rejects claims 13-15 under 35 U.S.C. § 103(a) over Laske in view of Corrales further in view of U.S. Patent No. 4,871,351 to Feingold (hereinafter “Feingold”). This rejection is respectfully traversed.

As agreed in the personal interview, Feingold fails to cure the deficiencies of Corrales and Laske discussed above with respect to independent claim 8. Thus, independent claim 8 distinguishes over Laske, Corrales and Feingold, either individually or in combination. Claims 13-15 are allowable at least for the reasons discussed above with respect to independent claim 8, from which they depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

#### **E. Laske, Corrales and Sparks**

The Office Action rejects claims 41, 53, 54 and 62 under 35 U.S.C. § 103(a) over Laske in view of Corrales further in view of U.S. Patent No. 4,940,588 to Sparks et al (hereinafter "Sparks"). This rejection is respectfully traversed.

As agreed in the personal interview, Sparks fails to cure the deficiencies of Corrales and Laske discussed above with respect to independent claims 8 and 53, either individually or in combination. Thus, independent claims 8 and 53 distinguish over Laske, Corrales and Sparks. Claims 41, and 54 and 62 are allowable at least for the reasons discussed above with respect to independent claims 8 and 53, from which they respectively depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

**F. Corrales and Heil**

The Office Action rejects claims 63-66 and 72 under 35 U.S.C. § 103(a) over Corrales in view of Heil. This rejection is respectfully traversed.

As agreed in the personal interview, Corrales and Heil fail to disclose or suggest, either individually or in combination, a plurality of microinfusion catheters disposed non-coaxially side-by-side with respect to one another, as set forth in independent claim 63. As additionally agreed in the personal interview, Heil fails to cure the deficiencies of Corrales discussed above with respect to independent claim 71.

Thus, independent claims 63 and 71 distinguish over Corrales and Heil, either individually or in combination. Claims 64-66, and 72 are allowable at least for the reasons discussed above with respect to independent claims 63 and 71 from which they respectively depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

**G. Corrales, Heil and Tillander**

The Office Action rejects claim 67 under 35 U.S.C. § 103(a) over Corrales in view of Heil further in view of Tillander. The Office Action also rejects claim 75 under 35 U.S.C. § 103(a) over Corrales in view of Tillander further in view of Heil. These rejections are respectfully traversed.

As agreed in the personal interview, Heil further in view of Tillander fails to cure the deficiencies of Corrales discussed above with respect to independent claim 63. As additionally agreed in the personal interview, Tillander further in view of Heil fails to cure the deficiencies of Corrales discussed above with respect to independent claim 71.

Thus, independent claims 63 and 71 distinguish over Corrales, Heil and Tillander, either individually or in combination. Claims 67 and 75 are allowable at least for the reasons discussed above with respect to independent claims 63 and 71, from which they respectively depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

#### **H. Corrales and Tillander**

The Office Action rejects claims 74 and 76 under 35 U.S.C. § 103(a) over Corrales in view of Tillander. This rejection is respectfully traversed.

As agreed in the personal interview, Tillander fails to cure the deficiencies of Corrales discussed above with respect to independent claim 71. Thus, independent claim 71 distinguishes over Corrales and Tillander, either individually or in combination. Claims 74 and 76 are allowable at least for the reasons discussed above with respect to independent claim 71, from which they depend, as well as for their added features. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

**III. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Randall H. Cherry, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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